

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,**

v.

Civil Action No. 2:93cv902

**THE WRECKED AND ABANDONED VESSEL,
ITS ENGINES, TACKLE, APPAREL,
APPURTENANCES, CARGO, ETC., LOCATED
WITHIN ONE (1) NAUTICAL MILE OF A POINT
LOCATED AT 41 43/ 32' NORTH LATITUDE
AND 49 56' 49" WEST LONGITUDE,
BELIEVED TO BE THE R.M.S. TITANIC
in rem,**

Defendant.

ORDER

IT APPEARING TO THE COURT:

1. On May 21, 2019, NOAA notified the Court of a potential expedition to the *Titanic* wreck site by Expedition Yacht Operations and Services ("EYOS"). On June 14, 2019, EYOS provided a letter to the Court describing the intended scope and purposes of the expedition. *See* ECF No. 551. This Court's constructive *in rem* jurisdiction is not impacted by EYOS' current proposal as set forth in its June 14, 2019, letter. *See R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 970 (4th Cir. 1999).

2. At the July 3, 2019, Status Hearing, counsel for EYOS advised the Court that EYOS was planning to support additional research activities at the wreck site for the purpose of evaluating *Titanic's* current condition and its deterioration.¹ NOAA believes the research is in

¹ During the 1998 and 2004 expeditions, a total of six trays containing wood and metal samples, were placed at the *Titanic* wreck site for the purpose of studying bio-deterioration at the wreck. Two of the 1998 trays were recovered in 2004, and four are believed to remain at the wreck site. According to EYOS, they plan to use a two-person

the public interest because it will provide important data and information regarding *Titanic* and its condition.

3. This Court has barred cutting into or detaching any part of the wreck, *Order* dated July 28, 2000, at 3 (ECF No. 164), but has previously permitted limited activity at the wreck site for the purpose of scientific research which analyzes *Titanic*'s condition and assists in its future preservation. *Memorandum Order* dated April 30, 2010, at 2 (ECF No. 338); *Order* dated September 27, 2018 (ECF No. 497). The Court concludes that the research activities proposed by EYOS are reasonable and consistent with this Court's prior orders for limited research at the wreck site.

4. As evidenced by the endorsement of its counsel hereto, neither PAHL nor RMST object to EYOS conducting the activities set forth in this order; provided that RMST receives a copy of the expedition report EYOS will provide to NOAA, and the results of any analysis conducted on the recovered materials. RMST also plans to have an observer on board. By agreeing to this order, RMST does not waive its status as exclusive salvor-in-possession in any other respects, or its right to object to any other activities at the wreck site for any reason.

5. The endorsement of EYOS' counsel to this Order signifies EYOS' consent to the terms of this Order and agreement to limit its activities at the wreck site in accordance with its letter request to the Court (ECF No. 551).

submersible to recover up to four trays (which EYOS suspects may have been moved from their original locations), and leave a new tray of approximately 12" x 18" x 12" in size to continue the research. *See* September 18, 2018, Status Hearing Exhibit 2; EYOS' letter of September 23, 2018, and enclosure therewith; EYOS' June 14, 2019 letter. EYOS also proposes to collect a small amount of rusticle samples by removing no more than 500 grams from the ends of rusticles, without scraping or touching the vessel itself. Rusticles "are complex microbiological structures that feed on the ship's iron, forming into the shape of icicles on the surface of the wreck." *Memorandum Order* dated April 30, 2010, at 2 (ECF No. 338).

ACCORDINGLY, IT IS HEREBY ORDERED:

1. EYOS may recover up to four research trays that were left behind during the 1998 and 2004 expeditions; provided that each tray is visible and readily accessible, and may be retrieved without damage to the wreck, the wreck site or any associated artifacts. EYOS shall document the location of the recovered trays and photograph their location before and after recovery.

2. EYOS may place one new research tray at the wreck site similar to that depicted on page 1 of Exhibit 2 from the September 18, 2018, Status Hearing. EYOS may place the tray on or near *Titanic*'s bow, but only if such placement can be accomplished without damage to the wreck, the wreck site or any associated artifacts. EYOS shall document the location of this sample tray placement and photograph the location before placement and after placement. The tray shall not be placed aft of the forecastle deck.

3. EYOS is authorized to conduct a limited removal of rusticle samples (no more than 500 grams) from *Titanic*, provided that such removal can be accomplished without damage to the wreck, the wreck site or any associated artifacts. EYOS is not authorized to scrape or damage the hull or any other part of the ship to collect the rusticles samples. EYOS shall document the location on the wreck from where it takes the rusticle sample and photograph the location before and after recovery.

4. EYOS shall provide to NOAA, RMST and this Court a copy of the expedition report (including the documentation required in ¶¶ 1 – 3) prepared by EYOS, and the results of any analysis conducted on the recovered materials.

5. Except as expressly authorized herein, nothing in this order should be construed to alter or limit RMST's exclusive salvor-in-possession status, this Court's constructive *in rem* jurisdiction, or any prior orders of the Court concerning activities at the wreck site.



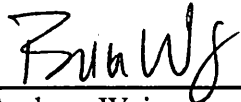
Rebecca Beach Smith.
United States District Court

At Norfolk, VA
This 3rd day of July, 2019

SEEN AND AGREED:

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Plaintiff

By:



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Intervenor

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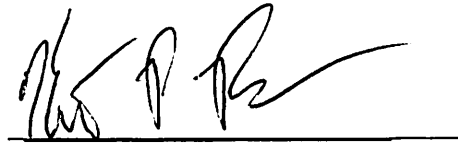


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UNITED STATES OF AMERICA

Amicus Curiae

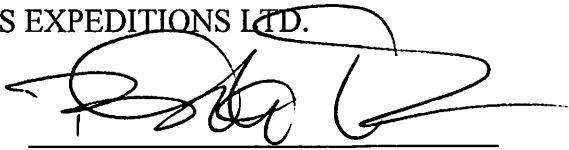
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